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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,607	01/14/2002	Andrew C. Gilbert	CF/034	5741

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EXAMINER

TINKLER, MURIEL S

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/047,607

Applicant(s)

GILBERT ET AL.

Examiner

Muriel Tinkler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/29/2003 and 6/30/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The application has been reviewed. The original claims 1-16 are pending.

Rejections are as stated below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg et. al. (US 2002/0019799 A1) in view of Lawrence (US 5,915,209).

4. Claims 1, 3, 4, 9, 11 and 12 discuss a system and method for presenting a trading interface, comprising: receiving a first passive trading command from a broker

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workstation; receiving a second passive trading command from a principal workstation; displaying the first passive trading command and the second passive trading command using a special designation, which indicates bid availability on a trader workstation.

Ginsberg discloses in claim 1, "A method of displaying a bid or offer in an electronic trading system, comprising: receiving the bid or offer from a first trader; determining whether a second trader has selected to make bids or offers from the first trader unavailable; and displaying the bid or offer to the second trader if the second trader has not selected to make bids or offers from the first trader unavailable." Ginsberg discloses in claim 2, "The method of claim 1, further comprising: not displaying the bid or offer to the second trader if the second trader has selected to make bids or offers from the first trader unavailable." Ginsberg discloses in claim 3, "The method of claim 1, further comprising: displaying the bid or offer to the second trader in a given manner if the second trader has selected to make bids or offers from the first trader unavailable."

Ginsberg does not specifically disclose a broker performing these actions. Lawrence does disclose broker trading on page 2 and lines 9-19, "The function of a broker is that of both a buyer and a seller on every transaction, analogously to a wholesaler. The broker buys from a selling trader and sells to a buying trader. The broker obtains a firm bid before making a purchase from a seller and is therefore not at risk. The terms and parties to a municipal bond transaction are not publicly disclosed although the new purchaser is registered as proprietor of the lot with the issuer, and receives interest payments, calls and other notifications. The broker has no set "position" in the marketplace and is therefore able to be unbiased as to market direction." Therefore it

would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Ginsberg to substitute a broker for a trader because a broker can perform all of the functions that Ginsberg associated a trader performing in the above mentioned claims.

5. Claims 2 and 10 discuss the system and method of claims 1 and 9, wherein the displaying of the first trading command and the second trading command comprises displaying the first passive trading command in a different manner from the second passive trading command wherein the different manner is using different colors, using different fonts, using flashing or hiding an unavailable passive trading command. Claims 1 and 9 were rejected based on the discussions above. Ginsberg discloses on page 4 and paragraph 37, "A bid or offer may be displayed as being available or not available by displaying the bid or offer in a corresponding color (e.g., available bids or offers in green and unavailable bids or offers in red), by displaying the bid or offer in a corresponding font (e.g., available bids or offers in bold and unavailable bids or offers in italics), by flashing or not flashing the bid or offer (e.g., available bids or offers flashing and unavailable bids or offers/not flashing), by only displaying a bid or offer if it is available, or in any other suitable manner."

6. Claims 5, 6, 13 and 14 discuss the system and method of claims 4 and 12, further comprising: determining whether the trading command is a passive trading command or an aggressive trading command in order to determine acceptance status;

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receiving a passive trading command from a first trader; receiving an aggressive trading command from a second trader; and enabling the second trader to execute a trade based upon a predetermined acceptance status set by either the first trader or the second trader." Claims 4 and 12 were rejected based on the discussions above.

Ginsberg discloses in claim 4, "A method of processing a pending trade, the method comprising: determining whether execution of the pending trade would exceed a warning limit of a first trader in the pending trade; and executing the pending trade if execution of the pending trade would not exceed the warning limit of the first trader and would not exceed the warning limit of a second trader in the pending trade." Ginsberg does not specifically disclose a broker performing these actions. Lawrence does disclose broker trading on page 2 and lines 9-19, as shown above. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Ginsberg to substitute a broker for a trader because a broker can perform all of the functions that Ginsberg associated a trader performing in the above mentioned claims.

7. Claim 7 and 15 discuss the system and method of claims 6 and 14, further comprising: determining whether the first trader is acting as a broker; and preventing the second trader from acting on the aggressive trading command when the first trader is acting as a broker. Claims 6 and 14 were rejected based on the discussions above.

Ginsberg discloses in claim 5, "The method of claim 4, further comprising: determining whether the first trader has selected to automatically reject pending trades that would

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exceed the warning limit of the first trader and whether the second trader has selected to automatically reject pending trades that would exceed the warning limit of the second trader; and not executing the pending trade if execution of the pending trade would exceed any of the warning limit of the first trader and the warning limit of the second trader." Ginsberg does not specifically disclose a broker performing these actions. Lawrence does disclose broker trading on page 2 and lines 9-19, as shown above. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Ginsberg to substitute a broker for a trader because a broker can perform all of the functions that Ginsberg associated a trader performing in the above mentioned claims.

8. Claims 8 and 16 discuss a system and method for configuring trading interface settings, comprising: setting of trading limitations by a principal trader for anonymous trading; and, imposing the trading limitations on a broker trader acting on behalf of the principal trader. Ginsberg discloses in claim 17, "A system for processing a pending trade, comprising: a processor that determines whether execution of the pending trade would exceed a warning limit of a first trader in the pending trade, and that executes the pending trade if execution of the pending trade would not exceed the warning limit of the first trader and would not exceed the warning limit of a second trader in the pending trade." Ginsberg does not specifically disclose a broker performing these actions. Lawrence does disclose broker trading on page 2 and lines 9-19, as shown above. Therefore it would have been obvious to a person having ordinary skill in the art at the

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time the invention was made to modify Ginsberg to substitute a broker for a trader because a broker can perform all of the functions that Ginsberg associated a trader performing in the above mentioned claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MT

December 21, 2006

A handwritten signature in black ink, appearing to read 'Hani M. Kazimi', with a stylized flourish at the end.

HANI M. KAZIMI
PRIMARY EXAMINER